

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C22-5338-RSM-BAT

**REPORT AND
RECOMMENDATION**

Bar-order litigant John Demos has filed an application to proceed *in forma pauperis* with a proposed 28 U.S.C. § 2254 habeas petition that challenges his continued confinement in Washington State Penitentiary. Dkt. 1. An Order of this Court provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

As Mr. Demos has submitted no filing fee, the Court recommends that, pursuant to the Court's Order of March 13, 1997, the Clerk be **DIRECTED** to administratively close this matter and to strike any pending motions as moot. Moreover, Mr. Demos may not proceed with a second or successive habeas petition here unless and until the Ninth Circuit authorizes its filing.

1 *See* 28 U.S.C. § 2244(b)(3)(A). A proposed Order is attached. **The Clerk should note the**
2 **matter as ready for the District Judge's immediate consideration on May 19, 2022.**

3 DATED this 19th day of May, 2022.

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6 BRIAN A. TSUCHIDA
United States Magistrate Judge